

Mann
McConnell
McCracken
Patterson of Mills
Pope

Prescott
Quinn
Ragsdale
Ross

Question—Shall the amendment by Mr. Davison of Fisher be adopted?

ADJOURNMENT

Mr. Smith of Hopkins moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Metcalfe moved that the House recess until 10:00 o'clock a. m., tomorrow.

The motion to adjourn prevailed, and the House, accordingly, at 5:25 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Criminal Jurisprudence filed favorable reports on bills, as follows:

House Bills Nos. 8 and 11; Senate Bills Nos. 2 and 3.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 9, Fixing the effective date of Senate Bill No. 185, Regular Session of the Forty-fifth Legislature.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 10, Urging James V. Allred, Governor of this State, to submit for consideration at this, the First Called Session of the Forty-fifth Legislature, the subject of the regulation of private commercial carrier motor vehicles.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 14, Granting Judge Terry Dickens permission to be absent from the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 15, Granting Judge Alton B. Chapman permission to be absent from the State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 14, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 16, Inviting Dr. F. W. Kratz to address a Joint Session of the Legislature.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

TENTH DAY

(Tuesday, June 15, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Mauritz.

The roll of the House was called, and the following Members were present:

Adkins
Alexander
Alsup
Amos
Baker
Beckworth
Bell
Blankenship
Boethel
Bond
Boyer
Bradbury
Bridgers

Broadfoot
Brown
Burton
Callan
Carssow
Cathey
Cauthorn
Celaya
Cleveland
Colquitt
Davis of Haskell
Davis of Jasper
Davison of Fisher

Davisson	Mays
of Eastland	McDonald
Deglandon	McFarland
Derden	McKee
Dickison	McKinney
England	Metcalf
Fielden	Moffett
Fox	Monkhouse
Fuchs	Morris
Gibson	Morse
Graves	Newton
Hamilton	Nicholson
Hankamer	Oliver
Hanna	Palmer
Harbin	Patterson
Hardin	of Travis
Harper	Petsch
Harrell	Powell
Harris of Archer	Prescott
Harris of Dallas	Ragsdale
Harris of Dickens	Reed of Bowie
Hartzog	Reed of Dallas
Herzik	Rhodes
Holland	Riddle
Hoskins	Roark
Howard	Russell
Huddleston	Rutta
Hull	Schuenemann
Hyder	Settle
Jackson	Sewell
James	Sharpe
Johnson of Ellis	Shell
Johnson	Simpson
of Tarrant	Skaggs
Jones of Angelina	Smith of Hopkins
Jones of Atascosa	Smith
Jones of Wise	of Matagorda
Keefe	Smith of Tarrant
Kelt	Stevenson
Kenyon	Stinson
Kern	Stocks
King	Talbert
Knetsch	Tarwater
Langdon	Tennant
Lankford	Tennyson
Lanning	Thornberry
Leath	Thornton
Leonard	Vale
Leyendecker	Waggoner
Little	Walker
Loggins	Weldon
London	Westbrook
Lucas	Winfree
Mauritz	Wood

Absent

Bates	Dollins
Bradford	

Absent—Excused

Cagle	Jones of Falls
Dean	Keith
Farmer	Mann
Felty	McConnell
Heflin	McCracken

Patterson of Mills	Reader
Pope	Ross
Quinn	Worley

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain.

COMMUNICATION FROM HON. R. W. CALVERT

The Chair laid before the House, and had read the following communication:

June 15, 1937.

Mrs. Louise Snow Phinney, Chief Clerk of House of Representatives. Austin, Texas

Dear Mrs. Phinney:

In my absence from the session of the House of Representatives on Tuesday, June 15, 1937, I hereby designate and appoint Honorable Fred Mauritz to call the House to order and to preside during my absence on such date.

Very truly yours,

R. W. CALVERT,
Speaker.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Keith for today, on motion of Mr. Burton.

Mr. Cagle for today, on motion of Mr. Derden.

Mr. Ross for today, on motion of Mr. Bradbury.

Mr. Pope for today, on motion of Mr. Shell.

Mr. Patterson of Mills for today, on motion of Mr. Brown.

Mr. Mann for today, on motion of Mr. Mays.

Mr. Dean for today and the balance of the week, on motion of Mr. Celaya.

Mr. McCracken for today, on motion of Mr. Winfree.

Mr. Worley temporarily for today, on motion of Mr. Jones of Wise.

Mr. Calvert for yesterday and today, on motion of Mr. Metcalfe.

The following Members were granted leaves of absence on account of illness:

Mr. Jones of Falls for today, on motion of Mr. Davis of Haskell.

Mr. Farmer for today, on account of illness in his family, on motion of Mr. Amos.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read

first time, and referred to the appropriate committee, as follows:

By Mr. Adkins:

H. B. No. 24, A bill to be entitled "An Act to amend Chapter 6 of the Penal Code of the State of Texas by adding another section to be known as Article 654-a, making it unlawful for any person to operate a lottery known as 'Policy', or any lottery operating on similar principle; providing that the purchaser of any ticket participating in said lottery shall not be held to be an accomplice or witness in any trial; placing the venue for prosecution of violations in the District Court of Travis County, Texas, and providing that the grand jury of said County may summon and examine witnesses and return indictments into the District Court of Travis County; making it the duty of the Ranger force to make investigations of violations of this Act and submit proof; prescribing penalties, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

RELATIVE TO CERTAIN SERVICE

Mr. Morse offered the following resolution:

Whereas, The Members of the House of Representatives in sending to Eldridge Moore Drug Company for soft drinks are inconvenienced by being required to make a two cent deposit on each bottle; now, therefore, be it

Resolved by the House of Representatives, That the Speaker appoint a committee of three Members to notify said drug company that in the event this two cent deposit requirement is not dispensed with the House will establish its own soft drink dispensary; and, be it further

Resolved, That in the event said drug company does not immediately discontinue said deposit charge the Committee on Contingent Expenses be instructed to make arrangements for establishing, at some convenient spot adjacent to the Hall of the House, facilities for dispensing soft drinks.

MORSE,
ENGLAND,
CELAYA,
LONDON,
HOWARD,
BOND,
LITTLE,
HARRIS of Dallas,
WOOD.

The resolution was read second time.

Mr. Fielden moved that the resolution be referred to the Committee on Public Lands and Buildings.

Mr. Roark moved the previous question on the motion by Mr. Fielden and the resolution, and the main question was ordered.

Question recurring on the motion to refer the resolution to the Committee on Public Lands and Buildings, it was lost.

Question then recurring on the resolution by Mr. Morse, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—68

Adkins	Keefe
Alexander	Kern
Bell	Knetsch
Bond	Lanning
Boyer	Leonard
Bradbury	Leyendecker
Callan	Little
Carssow	London
Cathey	McDonald
Cauthorn	McKee
Celaya	McKinney
Cleveland	Monkhouse
Davis of Haskell	Morse
Davisson	Newton
of Eastland	Patterson
England	of Travis
Fox	Powell
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Hamilton	Rutta
Hanna	Schuenemann
Hardin	Settle
Harrell	Sewell
Harris of Archer	Shell
Harris of Dallas	Simpson
Harris of Dickens	Skaggs
Hartzog	Smith of Hopkins
Holland	Stinson
Hoskins	Talbert
Hyder	Tarwater
Jackson	Tennant
James	Thornton
Johnson	Vale
of Tarrant	Weldon
Jones of Angelina	Wood
Jones of Atascosa	

Nays—37

Alsup	Davis of Jasper
Baker	Davison of Fisher
Beckworth	Deglandon
Blankenship	Derden
Bridgers	Fielden
Burton	Graves

Harbin	Palmer
Harper	Petsch
Herzik	Prescott
Johnson of Ellis	Ragsdale
Jones of Wise	Roark
Kelt	Russell
Langdon	Smith
Lankford	of Matagorda
Leath	Smith of Tarrant
Loggins	Stevenson
Lucas	Thornberry
Moffett	Waggoner
Morris	Walker

Absent

Amos	King
Bates	Mauritz
Boethel	Mays
Bradford	McFarland
Broadfoot	Metcalf
Brown	Nicholson
Colquitt	Oliver
Dickison	Rhodes
Dollins	Riddle
Hankamer	Sharpe
Howard	Stocks
Huddleston	Tennyson
Hull	Westbrook
Kenyon	Winfree

Absent—Excused

Cagle	McConnell
Dean	McCracken
Farmer	Patterson of Mills
Felty	Pope
Heflin	Quinn
Jones of Falls	Reader
Keith	Ross
Mann	Worley

Mr. Roark moved that all necessary Rules be suspended for the purpose of making a motion that all proceedings in regard to the above resolution be expunged from the record.

Mr. Keefe raised a point of order, on further consideration of the motion by Mr. Roark, on the ground that a "yea" and "nay" vote has been entered on the Journal and that certain constitutional provisions would be violated if same were expunged.

The Chair sustained the point of order.

RELATIVE TO RESOLUTION
PERIOD

Mr. Fielden moved that the House dispense with the consideration of resolutions at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—64

Alexander	Kern
Alsup	King
Beckworth	Langdon
Bell	Lankford
Blankenship	Lanning
Boethel	Lucas
Bond	McDonald
Bradbury	McFarland
Brown	Metcalf
Burton	Moffett
Davison of Fisher	Monkhouse
Davisson	Morris
of Eastland	Nicholson
Deglandon	Palmer
Derden	Petsch
England	Powell
Fielden	Prescott
Fox	Ragsdale
Fuchs	Reed of Bowie
Gibson	Roark
Graves	Russell
Hamilton	Simpson
Harper	Smith
Harrell	of Matagorda
Harris of Archer	Stinson
Herzik	Talbert
Holland	Tarwater
Huddleston	Tennant
Hyder	Thornberry
Johnson	Waggoner
of Tarrant	Walker
Jones of Angelina	Weldon
Jones of Wise	Westbrook
Keefe	

Nays—46

Adkins	Knetsch
Boyer	Leath
Broadfoot	Leyendecker
Callan	Little
Carsow	Loggins
Cathey	London
Cauthorn	Mays
Celaya	McKee
Cleveland	McKinney
Colquitt	Newton
Davis of Haskell	Patterson
Davis of Jasper	of Travis
Hankamer	Reed of Dallas
Hanna	Rutta
Harbin	Schuenemann
Hardin	Settle
Harris of Dallas	Sewell
Harris of Dickens	Skaggs
Howard	Smith of Tarrant
Jackson	Stevenson
James	Thornton
Johnson of Ellis	Vale
Jones of Atascosa	Wood
Kelt	

Absent

Amos	Bates
Baker	Bradford

Bridgers	Oliver
Dickison	Rhodes
Dollins	Riddle
Hartzog	Sharpe
Hoskins	Shell
Hull	Smith of Hopkins
Kenyon	Stocks
Leonard	Tennyson
Mauritz	Winfree
Morse	

Absent—Excused

Cagle	McConnell
Dean	McCracken
Farmer	Patterson of Mills
Felty	Pope
Heflin	Quinn
Jones of Falls	Reader
Keith	Ross
Mann	Worley

Mr. Fielden raised a point of order, on further consideration of resolutions, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE "HOT OIL" SITUATION

The Chair laid before the House, as unfinished business, for consideration at this time, resolution offered by Mr. Reed of Bowie, to provide for the appointment of a committee to investigate the "Hot Oil" situation.

The resolution having been read second time, with motion by Mr. Thornton that the resolution be laid on the table, pending.

Mr. Reed of Bowie withdrew the resolution.

MESSAGE FROM THE SENATE

Austin, Texas, June 15, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. C. R. No. 16, Inviting Dr. F. W. Kratz to address a Joint Session of the Legislature, June 15th, at 11:30 a. m.

S. C. R. No. 5, Instructing the Board of Control to take over the Hall of State at Dallas and to operate said building for State purposes.

Adopted the conference committee

report on House Bill No. 1 by a viva voce vote.

Respectfully,

BOB BARKER,
Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read the following message from the Governor:

Austin, Texas, June 15, 1937.

To the Members of the Forty-fifth Legislature:

According to the public press, amendments have been offered to a bill to outlaw betting on dog races so as to include every form of trifling wager that might be made on anything, even in private homes.

The fight I have been waging is based upon a desire to outlaw public, commercialized gambling, particularly that which has assumed racketeering proportions, on horse racing, dog racing, slot and marble machines. I do not want to see the government invade the privacy of homes, even by the passage of a law, which would not be enforced, to deal with every trifling form of wager.

The statement has been made that it is wrong to bet or wager anywhere on anything. This is a matter of personal opinion; but, in any event, all moral rights and wrongs cannot be dealt with by law. For instance, it is morally wrong to tell a falsehood anytime or anywhere; but the law has never provided earthly punishment for the telling of a simple falsehood; it only punishes for perjury, false swearing, slander, or swindling. In other words, it only deals with certain types of material commercial falsehoods. I don't think anyone would urge that we should pass a law to put somebody in jail for telling a "fib".

May I respectfully suggest to the vast majority of this Legislature who are sincerely concerned with outlawing commercialized, public gambling, or carrying on the business of gambling, that, in my opinion, it is the plan of those who favor legalized gambling on horse and dog races to secure the passage of as extreme and ridiculous a law as possible so as to hasten the return of the form of gambling in which they are interested. I hope that we will not fall into the trap. I hope that no law will be passed by this Legislature dealing with trifles.

If it should, I would not feel inclined to approve it. In my opinion, such a law would be impossible of enforcement. It was primarily for this reason that I refused to submit the subject of gambling in general at the outset of this session. I realized then, as did many Members of this Legislature, that supporters of horse and dog race gambling would try to load the bill down with as many trifling and extreme amendments as possible.

Please, I urge, let's get back to fundamentals. Let a man's home continue to be his castle. Let's continue to outlaw commercialized, public gambling—the business of gambling—just as we have outlawed it by the repeal of the pari-mutuel law, and as we hope to outlaw it by an adequate and effective bookie statute, a dog race statute, and by making more effective the law against slot and marble machines.

In this connection, may I remind you of the suggestion of the State's Attorney for the Court of Criminal Appeals that we should be extremely careful about amending or changing our present statutes. They have all been construed and are thoroughly understood by the courts and prosecuting attorneys. He has suggested the passage of new and cumulative statutes to cover conditions which have arisen in recent years; likewise that the subject matters be separated by bills, rather than to try to incorporate too many subjects in the same bill. I think these suggestions are more than worth while.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

TO PROVIDE FOR CERTAIN HIGHWAY MARKERS

The Chair laid before the House, as unfinished business, for consideration at this time, House Concurrent Resolution No. 5, To provide for certain highway markers.

The resolution having heretofore been read second time, and referred to the Committee on Highways and Motor Traffic.

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

Mr. Wood raised a point of order, on further consideration of the resolution, on the ground that the resolution seeks to make an appropriation.

The Chair overruled the point of order.

Mr. Gibson raised a point of order, on further consideration of the resolution, at this time, on the ground that the conference committee report on House Bill No. 1, which was postponed until today, is privileged matter and has precedence over the resolution.

The Chair sustained the point of order.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1

The Chair laid before the House the Conference Committee Report on House Bill No. 1.

The report having been submitted on yesterday, and further consideration of same postponed until today.

Mr. Thornton moved that the report be adopted.

ADDRESS BY DR. F. W. KRATZ

(In Joint Session)

In accordance with the provisions of House Concurrent Resolution No. 16, adopted on yesterday, inviting Dr. F. W. Kratz, past Assistant Surgeon, U. S. Public Health Service, to address a Joint Session of the House and Senate at 11:30 o'clock a. m. today, the Honorable Senators were announced at the bar of the House, and being admitted, occupied seats prepared for them.

Lieutenant Governor Walter F. Woodul was escorted to a seat on the Speaker's stand.

Dr. F. W. Kratz and party, accompanied by Governor James V. Allred, and escorted by Senators Oneal, Newton and Cotten, committee on the part of the Senate, and Messrs. Reed of Dallas, Stocks and Davis of Haskell, committee on the part of the House, was announced at the bar of the House and was admitted and escorted to a seat on the Speaker's stand.

Lieutenant Governor Walter F. Woodul called the Senate to order.

The House was called to order by Honorable Fred Mauritz.

Mr. Mauritz presented Honorable James V. Allred, Governor, who introduced Dr. F. W. Kratz.

Dr. Kratz then addressed the Joint Session.

SENATE RETIRES

At the conclusion of the address, the Senate retired to its Chamber.

TO GRANT PERMISSION TO SUE THE STATE

Mr. Derden offered the following resolution:

H. C. R. No. 19, Granting H. H. Friar permission to sue the State.

Whereas, H. H. Friar in the year 1927 obtained a deed conveying therein all right, title and interest in and to a certain tract of land known and designated as Dimmitt Island, located in Nueces County, Texas, at the intersection of the waters of Corpus Christi Bay and the Laguna Madre, the said Island being about six hundred (600 ft.) feet off the main land at Flour Bluff; and

Whereas, There exists a conflict in the title of said land between the said H. H. Friar and the State of Texas; and

Whereas, Said conflict cannot be settled by agreement and it is necessary that title to said land involved be quitted by a judgment in the courts of this State; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said H. H. Friar, his heirs, executors and administrators be, and they are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Travis County, Texas, in order to ascertain the proper ownership of said Island and to quit the title to same either to the said Friar or to the State and that in case such suit be filed, services of citation or other necessary process shall be had upon the Attorney General of this State, or waived by him and that the same shall have the same force and effect as made and provided in civil cases and that either one of the parties to said suit shall have the right to appeal.

The resolution was read second time, and was referred, by the Chair, to the Committee on State Affairs.

RECESS

On motion of Mr. Wood, the House, at 12:25 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by Mr. Mauritz.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1

The House resumed consideration of the Conference Committee Report on House Bill No. 1.

The report having been submitted to the House on yesterday, and further consideration of same having been postponed until today.

Mr. Thornton having moved that the report be adopted.

Question recurring on the motion by Mr. Thornton that the report be adopted, it prevailed.

Mr. Celaya moved to reconsider the vote by which the report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

TO PROVIDE FOR CERTAIN HIGHWAY MARKERS

The House resumed consideration of House Concurrent Resolution No. 5, by Mr. Harrell, to provide for certain highway markers.

The resolution having heretofore been read second time, and referred to the Committee on Highways and Motor Traffic.

The Committee on Highways and Motor Traffic having recommended the adoption of the resolution.

Mr. Wood moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—77

Adkins
Alexander
Alsup
Amos
Baker
Bates
Boethel
Bond
Boyer
Bradbury
Bridgers
Burton
Carssow
Cleveland

Colquitt
Davis of Haskell
Davison of Fisher
Davisson
of Eastland
Deglendon
Derden
Dickison
Fielden
Fuchs
Gibson
Hamilton
Hankamer
Hanna

Harper	Moffett
Harris of Archer	Monkhouse
Harris of Dallas	Morse
Hartzog	Petsch
Herzik	Powell
Holland	Prescott
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Roark
Jackson	Schuenemann
Johnson	Settle
of Tarrant	Shell
Jones of Angelina	Smith of Hopkins
Jones of Atascosa	Smith
Jones of Wise	of Matagorda
Kern	Smith of Tarrant
King	Stevenson
Knetsch	Stinson
Langdon	Tennant
Lanning	Tennyson
Leonard	Thornton
Little	Vale
McDonald	Waggoner
McFarland	Walker
McKee	Weldon
Metcalfe	Wood

Nays—37

Beckworth	Mays
Bell	Newton
Broadfoot	Nicholson
Callan	Oliver
Cauthorn	Palmer
Davis of Jasper	Patterson
Hardin	of Travis
Harrell	Rhodes
Harris of Dickens	Russell
Hull	Rutta
Hyder	Sewell
James	Simpson
Johnson of Ellis	Skaggs
Keefe	Stocks
Kelt	Talbert
Lankford	Tarwater
Leyendecker	Thornberry
Loggins	Westbrook
Lucas	Winfree

Absent

Blankenship	Jones of Falls
Bradford	Kenyon
Brown	Leath
Cathey	London
Celaya	Mauritz
Dollins	McKinney
England	Morris
Fox	Ragsdale
Graves	Riddle
Harbin	Sharpe

Absent—Excused

Cagle	Felty
Dean	Heflin
Farmer	Keith

Mann	Quinn
McConnell	Reader
McCracken	Ross
Patterson of Mills	Worley
Pope	

TO PROVIDE FOR ADJOURNMENT
SINE DIE

The Chair laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 4, To provide for adjournment sine die.

Be It Resolved by the Senate, the House of Representatives concurring, That the First Called Session of the Forty-fifth Legislature stand adjourned sine die Wednesday, June 16, at 6:00 p. m.

The resolution was read second time.

Mr. Carssow offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 5, by striking out the words "Wednesday, June 16, at 6 p. m.," and insert in lieu thereof "Friday, June 18th, at 6 p. m."

CARSSOW,
MOFFETT.

Mr. Johnson of Ellis offered the following substitute for the amendment by Mr. Carssow:

Substitute for Carssow amendment, by reading "Friday, June 25, at 6:00 p. m."

Mr. Harris of Dallas moved the previous question on the pending amendments, and the resolution, and the motion was not seconded.

Mr. Smith of Matagorda moved to table the substitute amendment by Mr. Johnson of Ellis.

Mr. Hanna raised a point of order, on further consideration of the amendment by Mr. Johnson of Ellis, on the ground that the amendment seeks to extend the session beyond the constitutional limit.

The Chair overruled the point of order.

Question recurring on the motion to table the amendment by Mr. Johnson of Ellis, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Adkins	Alsup
Alexander	Baker

Bell	Keefe
Blankenship	Kenyon
Bond	Kern
Boyer	King
Bridgers	Knetsch
Carssow	Lanning
Cathey	Leath
Celaya	Little
Cleveland	Loggins
Davis of Haskell	London
Davison of Fisher	Lucas
Davisson	Mays
of Eastland	Metcalf
Derden	Moffett
Dickison	Morris
England	Morse
Fox	Newton
Gibson	Nicholson
Graves	Petsch
Hamilton	Prescott
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Harbin	Settle
Hardin	Sharpe
Harrell	Smith
Harris of Archer	of Matagorda
Harris of Dallas	Smith of Tarrant
Harris of Dickens	Stinson
Hartzog	Talbert
Herzik	Tarwater
Howard	Tennyson
Huddleston	Thornberry
Hyder	Thornton
Jackson	Waggoner
James	Walker
Johnson	Weldon
of Tarrant	Wood
Jones of Atascosa	Worley
Jones of Wise	

Nays—50

Amos	Leyendecker
Bates	McDonald
Beckworth	McFarland
Boethel	McKee
Bradbury	Monkhouse
Broadfoot	Oliver
Brown	Palmer
Burton	Patterson
Callan	of Travis
Cauthorn	Powell
Colquitt	Ragsdale
Davis of Jasper	Rhodes
Deglandon	Riddle
Fielden	Roark
Fuchs	Russell
Holland	Schuenemann
Hoskins	Sewell
Hull	Shell
Johnson of Ellis	Simpson
Jones of Angelina	Skaggs
Kelt	Smith of Hopkins
Langdon	Stevenson
Lankford	Stocks
Leonard	Tennant

Vale	Winfree
Westbrook	
Present—Not Voting	

Harper

Absent

Bradford	Mauritz
Dollins	McKinney
Felty	Rutta

Absent—Excused

Cagle	McConnell
Dean	McCracken
Farmer	Patterson of Mills
Heflin	Pope
Jones of Falls	Quinn
Keith	Reader
Mann	Ross

Mr. Davison of Fisher moved to lay the pending amendment and the resolution on the table subject to call.

Mr. Hull moved that the resolution be tabled.

Question recurring on the motion by Mr. Hull that the resolution be tabled, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—88

Adkins	Harrell
Alsup	Harris of Archer
Amos	Harris of Dickens
Baker	Herzik
Bates	Holland
Beckworth	Hoskins
Boethel	Howard
Bond	Hull
Bradbury	Jackson
Broadfoot	Johnson of Ellis
Brown	Johnson
Burton	of Tarrant
Callan	Jones of Angelina
Cathey	Jones of Atascosa
Cauthorn	Jones of Wise
Cleveland	Keefe
Colquitt	King
Davis of Haskell	Knetsch
Davis of Jasper	Langdon
Davison of Fisher	Lanning
Deglandon	Leyendecker
Derden	Loggins
England	London
Fielden	Lucas
Fuchs	McDonald
Gibson	McFarland
Graves	McKee
Hankamer	Monkhouse
Harbin	Morris
Harper	Newton

Oliver	Sharpe
Palmer	Shell
Patterson	Simpson
of Travis	Skaggs
Petsch	Smith of Hopkins
Powell	Stevenson
Ragsdale	Stocks
Rhodes	Talbert
Riddle	Tennant
Roark	Tennyson
Russell	Thornberry
Rutta	Vale
Schuenemann	Weldon
Settle	Westbrook
Sewell	Winfree

Nays—39

Alexander	Lankford
Bell	Little
Blankenship	Mays
Boyer	Metcalfe
Bridgers	Moffett
Carssow	Morse
Davisson	Nicholson
of Eastland	Prescott
Dickison	Reed of Bowie
Fox	Reed of Dallas
Hamilton	Smith
Hanna	of Matagorda
Hardin	Smith of Tarrant
Harris of Dallas	Stinson
Hartzog	Tarwater
Huddleston	Thornton
Hyder	Waggoner
James	Walker
Kelt	Wood
Kenyon	Worley
Kern	

Present—Not Voting

Leath

Absent

Bradford	Leonard
Celaya	Mauritz
Dollins	McKinney

Absent—Excused

Cagle	McConnell
Dean	McCracken
Farmer	Patterson of Mills
Felty	Pope
Heflin	Quinn
Jones of Falls	Reader
Keith	Ross
Mann	

Mr. Hull moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—37

Boyer	Kenyon
Carssow	Leyendecker
Cathey	Little
Cauthorn	Loggins
Celaya	Mays
Colquitt	McDonald
Dickison	Morse
Hankamer	Palmer
Hardin	Rhodes
Harris of Dallas	Riddle
Harris of Dickens	Settle
Hartzog	Sewell
Hoskins	Skaggs
Howard	Smith of Tarrant
Hull	Stevenson
Hyder	Tennant
James	Thornton
Johnson of Ellis	Winfree
Johnson	
of Tarrant	

Nays—90

Adkins	Jackson
Alexander	Jones of Angelina
Alsup	Jones of Atascosa
Amos	Jones of Wise
Baker	Keefe
Bates	Kelt
Bell	Kern
Blankenship	King
Boethel	Knetsch
Bond	Langdon
Bradbury	Lankford
Bridgers	Lanning
Broadfoot	Leath
Brown	Leonard
Burton	London
Callan	Lucas
Cleveland	McFarland
Davis of Haskell	McKee
Davis of Jasper	Metcalfe
Davisson of Fisher	Moffett
Davisson	Monkhouse
of Eastland	Morris
Deglandon	Newton
Derden	Nicholson
England	Oliver
Fielden	Patterson
Fox	of Travis
Gibson	Petsch
Graves	Powell
Hamilton	Ragsdale
Hanna	Reed of Bowie
Harbin	Reed of Dallas
Harper	Roark
Harrell	Russell
Harris of Archer	Rutta
Herzik	Schuenemann
Holland	Sharpe
Huddleston	Shell

Simpson	Thornberry
Smith of Hopkins	Vale
Smith	Waggoner
of Matagorda	Walker
Stinson	Weldon
Stocks	Westbrook
Talbert	Wood
Tarwater	Worley
Tennyson	

Absent

Beckworth	Jones of Falls
Bradford	Mauritz
Dollins	McKinney
Fuchs	Prescott

Absent—Excused

Cagle	McConnell
Dean	McCracken
Farmer	Patterson of Mills
Felty	Pope
Heflin	Quinn
Keith	Reader
Mann	Ross

MOTION TO TAKE UP HOUSE
BILL NO. 11

Mr. Derden moved that all necessary House Rules be suspended, at this time, for the purpose of considering House Bill No. 11.

Mr. Gibson raised a point of order, on consideration of the motion, on the ground that a Senate bill on the same subject is pending in the House, and that same has precedence over the House bill.

The Chair overruled the point of order.

Question then recurring on the motion by Mr. Derden, it was lost by the following vote:

Yeas—38

Alsup	Holland
Bates	Keefe
Bell	Kern
Blankenship	Langdon
Boethel	Leath
Bond	Leyendecker
Bradbury	Nicholson
Bridgers	Oliver
Cauthorn	Palmer
Cleveland	Powell
Davis of Jasper	Reed of Bowie
Deglandon	Rhodes
Derden	Roark
Fielden	Russell
Fox	Skaggs
Hamilton	Smith
Harrell	of Matagorda

Smith of Tarrant	Westbrook
Stocks	Worley
Tarwater	

Nays—81

Adkins	Knetsch
Alexander	Lankford
Amos	Lanning
Baker	Little
Beckworth	London
Boyer	Lucas
Brown	Mays
Burton	McDonald
Callan	McFarland
Carssow	McKee
Celaya	McKinney
Colquitt	Metcalfe
Davis of Haskell	Moffett
Davison of Fisher	Monkhouse
Davisson	Morris
of Eastland	Morse
England	Newton
Gibson	Patterson
Hankamer	of Travis
Hanna	Petsch
Hardin	Reed of Dallas
Harper	Riddle
Harris of Archer	Rutta
Harris of Dallas	Schuenemann
Harris of Dickens	Settle
Hartzog	Sewell
Hoskins	Sharpe
Howard	Shell
Huddleston	Simpson
Hull	Smith of Hopkins
Hyder	Stinson
Jackson	Talbert
James	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Angelina	Vale
Jones of Atascosa	Waggoner
Jones of Wise	Walker
Kelt	Weldon
Kenyon	Winfree
King	Wood

Present—Not Voting

Broadfoot	Herzik
Harbin	

Absent

Bradford	Leonard
Cathey	Loggins
Dickison	Mauritz
Dollins	Prescott
Fuchs	Ragsdale
Graves	Stevenson

Absent—Excused

Cagle	Farmer
Dean	Felty

Heflin	Patterson of Mills
Jones of Falls	Pope
Keith	Quinn
Mann	Reader
McConnell	Ross
McCracken	

MESSAGE FROM THE SENATE

Austin, Texas, June 15, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 6, Declaring the Legislative intent of Senate Bill No. 139 passed by the Regular Session of the Forty-fifth Legislature.

H. C. R. No. 9, Fixing the effective date of Senate Bill No. 185, Regular Session, Forty-fifth Legislature.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILL NO. 3 ON PASSAGE TO THIRD READING

The Chair laid before the House, as unfinished business, on its passage to third reading,

S. B. No. 3, A bill to be entitled "An Act making it unlawful to bet or wager money or anything of value upon any dog race, or upon the result of any race, speed, skill or endurance contest between dogs, to be run or held in this State or elsewhere; providing a penalty, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Davison of Fisher, pending.

Mr. Petsch offered the following substitute for the amendment by Mr. Davison of Fisher:

Amend Senate Bill No. 3, by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. It shall hereafter be unlawful for any person to bet or wager any money or other thing of value upon any dog race, or upon the result of any race, speed, skill, or endurance contest, of, by or between dogs, run or to be run or held in this State or elsewhere.

"Section 2. Whoever violates any provision of this Act shall, upon conviction, be fined not more than \$50.00.

"Section 2-a. Article 625 of the Penal Code of Texas, is hereby amended so that it will hereafter read as follows:

"Article 625—Keeping

If any person shall keep, or be in any manner interested in keeping any premises, for the purpose of dog racing upon which any money or anything of value is being bet on same premises, or if any person shall keep, or be in any manner interested in keeping any premises, building, room or place for the purpose of being used as a place to bet or wager, or to gamble with cards, dice or dominoes, or to keep or to exhibit for the purpose of gambling any bank, table, alley, machine, wheel, or device whatsoever, or as a place where people resort to gamble, bet or wager upon anything whatever, he shall be confined in the penitentiary not less than one (1) nor more than five (5) years, or by confinement in the county jail for any term not less than ten (10) days nor more than one (1) year and by fine not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, regardless of whether any of the above mentioned games, tables, banks, alleys, machines, wheels or devices are licensed by law or not. Any place or device shall be considered as used for gaming or to gamble with or for betting or wagering, if any money or anything of value is bet thereon or if the same is resorted to for the purpose of gaming or betting. To constitute the offense here set forth, it shall not be necessary that the premises, room or place be used primarily or principally for the purposes herein before named."

PETSCH,
RUSSELL,
DAVISON of Fisher,
BROWN,
THORNBERRY,
BRADBURY,
AMOS.

Mr. Roark raised the following point of order:

I raise the point of order that the Davison of Fisher amendment contains matter not within the Governor's call and further there is substance in the Davison amendment not germane to Senate Bill No. 3, which deals specifically and only with betting on dog races.

The Chair sustained the point of order, on the ground that the amend-

ment contains matter not within the Governor's call.

The Chair stated that the reasons for his ruling would be given on tomorrow.

(Mr. Hull in the Chair.)

Mr. Harris of Dallas asked unanimous consent that the House stand at ease for a period of twenty-five minutes.

There was no objection offered.

The House, accordingly, at 4:05 o'clock p. m., stood at ease until 4:30 o'clock p. m., today.

(The House reconvened at 4:30 o'clock p. m., and was called to order by Mr. Hull.)

RECESS

Mr. Howard moved that the House recess until 10:00 o'clock a. m., tomorrow.

Mr. Skaggs moved that the House adjourn until 9:55 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, it was lost.

Question then recurring on the motion to recess until 10:00 o'clock a. m., tomorrow, it prevailed, and the House, accordingly, at 4:35 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Judiciary, House Bill No. 16.

Criminal Jurisprudence, House Bill No. 19.

State Affairs, House Bill No. 12.

TENTH DAY

(Continued)

(Wednesday, June 16, 1937)

The House met at 10:00 o'clock a. m., and was called to order by Mr. Alexander.

COMMUNICATION FROM HON R. W. CALVERT

The Chair laid before the House and had read the following communication:

June 16, 1937.

Mrs. Louise Snow Phinney
Chief Clerk of House of Representatives
Austin, Texas

Dear Mrs. Phinney:

In my absence from the session of the House of Representatives on Wednesday, June 16, 1937, I hereby designate and appoint Honorable Bob Alexander to call the House to order and to preside during my absence on such date.

Very truly yours,

R. W. CALVERT,
Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

The following Members were granted leaves of absence, as follows:

Mr. Mauritz for today, on account of illness, on motion of Mr. Metcalfe.

Mr. Hyder and Mr. Monkhouse for today, on account of important business, on motion of Mr. Worley.

Mr. Rhodes for this morning, on account of State business, on motion of Mr. Fuchs.

INVITATION TO MEMBERS OF THE HOUSE

Hon. B. J. Leyendecker, having been recognized by the Chair, extended an invitation to Members of the House to attend a July 4th celebration to be held at Laredo, Texas.

MESSAGE FROM THE SENATE

Austin, Texas, June 16, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has sustained a point of order to House Concurrent Resolution No. 2, as not being within the Governor's call.

The Senate has passed

S. B. No. 10, A bill to be entitled "An Act correcting a typographical error in Senate Bill No. 139, Acts of the Forty-fifth Legislature, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.